

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICK JORN,

Plaintiff,

vs.

UNION PACIFIC RAILROAD  
COMPANY,

Defendant.

**8:18CV138**

**ORDER**

This matter is before the court on Plaintiff's motion for an additional continuance of the deadlines for responding to Defendant's Daubert Motions (Filing Nos. [31](#) and [33](#)) and Motion for Summary Judgment ([Filing No. 29](#)).

On June 19, 2020, Plaintiff requested, and the court granted, an extension of his response deadlines. (Filing Nos. [36](#) and 37 (text order)). The current, extended deadline is July 7, 2020. On June 30, 2020, Plaintiff requested an additional continuance, stating he has unforeseen obligations "to cover preexisting [litigation] commitments" of a colleague who has fallen ill. ([Filing No. 38 at CM/ECF p. 2](#)). Plaintiff further indicates that the continuance is warranted because of a ruling in another toxic exposure FELA case, by another judge, on what Plaintiff views as related issues. ([Id](#)).

The court reminds Plaintiff's counsel that the desire to raise and address rulings in other FELA toxic exposure litigation currently pending in this forum is not a sufficient reason to continue Plaintiff's briefing deadlines. As Judge Bataillon, Judge Gerrard and the undersigned magistrate judge have each stated, the merits of dispositive and *Daubert* motions are determined on a case by case basis. A

continuance will not be granted merely to allow a party to discuss how another judge in this court applied the law to the facts presented in a different toxic exposure case.

However, the need to cover a legal colleague's responsibilities due to illness is a valid reason for requesting a continuance.

Accordingly,

IT IS ORDERED:

1) Plaintiff's Motion ([Filing No. 38](#)) is granted and Plaintiff's deadline for responding to Defendant's Daubert Motions and Motion for Summary Judgment is extended to July 10, 2020.

2) No additional continuance will be granted absent a substantial showing of good cause.

Dated this 1st day of July, 2020.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge